

CLOSED, MDL, MEMBER, RELATED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-00935-SAS

Mitsumoto v. Robert Bosch Corp.
Assigned to: Judge Shira A. Scheindlin
Lead case: 1:01-md-01428-SAS-THK
Member case: (View Member Case)
Related Case: 1:01-md-01428-SAS-THK
Cause: 28:1331 Fed. Question: Personal Injury

Date Filed: 02/08/2007
Date Terminated: 07/09/2007
Jury Demand: None
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Federal Question

Plaintiff**Nanae Mitsumoto****Plaintiff****Kosuke Mitsumoto**

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Plaintiff**Masatoshi Mitsumoto**

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Plaintiff**Johann Blaimauer**

represented by **James F. Lowy**

		Robert Hantman and James Lowy and to Disqualify Ed Fagan. Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of Richard Grayson - Ethics Expert# <u>2</u> Affidavit of Dr. Gerhard Podovsovnik# <u>3</u> Affidavit of Dr. Bernd Geier)(Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/14/2007)
06/14/2007	<u>37</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE of of Fagan Declaration in Opposition to Motion for Sanctions Related to Whistleblower Deposition re: <u>36</u> Notice (Other), Notice (Other). Document filed by Masatoshi Mitsumoto. (Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/14/2007)
06/15/2007	<u>38</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE of of Filing of Supplemental Declarations by Edward D. Fagan and James Lowy re: <u>37</u> Notice (Other), <u>36</u> Notice (Other), Notice (Other). Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of James Lowy)(Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/15/2007)
06/15/2007	<u>39</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE of of Filing of Fagan, Declaration in Opposition to Consolidated Motion to Disqualify; and Opposition Declarations of Dr. Ulrich Schwab and Dr. Toichiro Kigawa re: <u>37</u> Notice (Other), <u>36</u> Notice (Other), Notice (Other), <u>38</u> Notice (Other). Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of Dr. Ulrich Schwab in Opposition to Motion to Disqualify# <u>2</u> Affidavit of Dr. Toichiro Kigawa in Opposition to Motion to Disqualify)(Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/15/2007)
06/15/2007	<u>40</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE of of Filing of Memorandum in Opposition to Motion for Sanctions and to Disqualify re: <u>37</u> Notice (Other), <u>36</u> Notice (Other), Notice (Other), <u>39</u> Notice (Other), Notice (Other), <u>38</u> Notice (Other). Document filed by Masatoshi Mitsumoto. (Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/15/2007)
06/18/2007	<u>41</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE OF CHANGE OF ADDRESS by Edward Davis Fagan on behalf of Masatoshi Mitsumoto. New Address: Edward D. Fagan Esq., Five Penn Plaza, 23rd Floor, New York, NY, USA 10001, (646) 378-2225. Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/18/2007)
06/18/2007	<u>42</u>	NOTICE OF CHANGE OF ADDRESS by Edward Davis Fagan on behalf of all plaintiffs. New Address: Edward D. Fagan, Five Penn Plaza, 23rd Floor, New York, NY, USA 10001, (646) 378-2225. (Fagan, Edward) (Entered: 06/18/2007)
06/18/2007	43	ORDER; plaintiffs are directed not to submit additional papers opposing defendants' motions; they will not be considered. (Signed by Judge Shira A. Scheindlin on 6/14/07) Copies Mailed By Chambers(kco) (Entered: 06/19/2007)
06/20/2007	<u>44</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE -

		MEMORANDUM OPINION & ORDER # 94808... In accordance with this Court's findings that ptffs' choice of forum is entitled to greatly diminished deference, that Australia is an adequate alternative forum, and that the scales of convenience tip overwhelmingly in favor of dismissal, all five actions within this MDL brought solely on behalf of foreign plaintiffs are dismissed on the ground of forum non conveniens. The Clerk of Court is directed to close these cases [Nos. 03-8960, 03-8961, 06-2811, 07-935 and 07-3881. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881. (Signed by Judge Shira A. Scheindlin on 6/19/07) (rjm) Modified on 6/26/2007 (GF). (Entered: 06/20/2007)
06/21/2007	46	ORDER: by Order dated June 14, 2007, the Court emphasized that plaintiffs' opposition to defendants' joint motion to dismiss the above action was due on June 11, 2007. The Court also directed plaintiffs not to submit any timely supplementary materials. Nevertheless, the Court has received a binder from plaintiffs containing and additional memorandum of law and supporting declarations. These untimely submissions are rejected and returned to plaintiffs' counsel. I note, however, that the binder's memorandum of law is identical to the one plaintiffs filed on June 12, 2007(Docket No. 34), which the Court fully considered. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 6/20/2007) (jmi) (Entered: 06/26/2007)
06/25/2007	45	FILING ERROR - ELECTRONIC FILING FOR NON-ECFC CASE - NOTICE of of Filing of 28 USC Sec 144 Declaration of Bias. Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of Bias pursuant to 28 USC Sec 144 submitted by Dr. Bernd Geier# <u>2</u> Appendix Signature Page of Dr. Bernd Geier# <u>3</u> Affidavit of Bias pursuant to 28 USC 144 submitted by Dr. Toichiro Kigawa# <u>4</u> Appendix Signature Page of Dr. Toichiro Kigawa)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/25/2007)
06/26/2007	47	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE of of Filing of Exhibits to Geier and Kigawa Affidavits of Bias pursuant to 28 USC Sec. 144 re: (45 in 1:07-cv-00935-SAS) Notice (Other), Notice (Other). Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Exhibit 2 to Kigawa and Geier Affidavits of Bias# <u>2</u> Exhibit 3 a to Geier and Kigawa Affidavits of Bias# <u>3</u> Exhibit 3 b to Geier and Kigawa Affidavits of Bias# <u>4</u> Exhibit 4 to Geier and Kigawa Affidavits of Bias# <u>5</u> Exhibit 5 to Geier and Kigawa Affidavits of Bias# <u>6</u> Exhibit 9 a to Geier and Kigawa Affidavits of Bias# <u>7</u> Exhibit 9 b to Geier and Kigawa Affidavits of Bias# <u>8</u> Exhibit 10 to Geier and Kigawa Affidavits of Bias# <u>9</u> Exhibit 11 to geier and Kigawa Affidavits of Bias# <u>10</u> Exhibit 12 to Geier and Kigawa Affidavits of Bias# <u>11</u> Exhibit 13 to Geier and Kigawa Affidavits of Bias# <u>12</u> Exhibit 14 to Geier and Kigawa Affidavits of Bias# <u>13</u> Exhibit 15 to Geier and Kigawa Affidavits of Bias)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/26/2007)
06/26/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE

		ERROR. Note to Attorney E. Haesloop to MANUALLY RE-FILE Document Notice of Intent, Document No. 24. This case is not ECF. (gf) (Entered: 06/26/2007)
06/26/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Edward Fagan to MANUALLY RE-FILE Document MOTION Relief #25, MEMORANDUM OF LAW in Support #26, Declaration #27, CERTIFICATE OF SERVICE #28, MOTION to Disqualify #29, MOTION for Sanctions #30, MEMORANDUM OF LAW #31, NOTICE of Filing #32, DECLARATION #33, MEMORANDUM OF LAW #34, NOTICE of of Filing of Initial Opposition #36, NOTICE of of Fagan Declaration #37, NOTICE of of Filing of Supplemental #38, NOTICE of of Filing of Fagan #39, NOTICE of of Filing of Memorandum in Opposition # 40, NOTICE OF CHANGE OF ADDRESS by Edward Davis Fagan #41, NOTICE OF CHANGE OF ADDRESS #42, NOTICE of of Filing #45, NOTICE of of Filing # 47. This case is not ECF. (gf) (Entered: 06/26/2007)
06/29/2007		DEFENDANTS' JOINT RESPONSE re: <u>48</u> Notice Of Declarations of Bias under 28 USC 144. Original Document filed in 03cv8960 doc. #167. Document filed by Robert Bosch Corp.. (jar) (Entered: 07/12/2007)
06/29/2007		DECLARATION of Ryan M. Morettini in Support re: DEFENDANTS' JOINT RESPONSE to Notice Of Declarations of Bias under 28 USC 144. Original Document filed in 03cv8960 doc. #168. Document filed by Robert Bosch Corp.. (jar) (Entered: 07/12/2007)
07/01/2007	<u>48</u>	NOTICE of of Filing of 28 June 2007 Supplemental Affidavit of Bias pursuant to 28 USC Sec 144 by Dr. Bernd Geier re: Note to Attorney to Re-File Document - Non-ECF Case Error,, (45 in 1:07-cv-00935-SAS) Notice (Other), Notice (Other), Notice (Other), (47 in 1:07-cv-00935-SAS) Notice (Other), Notice (Other), Notice (Other), Notice (Other), Notice (Other). Document filed by Geier, Hermann. (Attachments: # <u>1</u> Affidavit 28 June 2007 Supplemental Affidavit of Bias pursuant to 28 USC Sec 144 by Dr. Bernd Geier# <u>2</u> Supplement Geier Signature Page# <u>3</u> Supplement Fagan Signature Page# <u>4</u> Exhibit 1 Stieldorf 21 Aug 2006 Emailed Letter to Judge Scheindlin# <u>5</u> Exhibit 2 - Judge Scheindlin 21 Aug 2006 Email to Counsel with Steildorf Letter# <u>6</u> Exhibit 3 Judge Scheindlin 6 June 2007 Email Regarding Ex Parte Conversation with Witness Rosa)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) (Entered: 07/01/2007)
07/04/2007	<u>49</u>	MOTION for Extension of Time to <i>File Motions for Relief from Opinion and Order Entered on 20 June 2007, Including Relief pursuant to Local Rule 6.3, FRCP 60 (b), Motion to Supplement the Record, Motion for Intervention Pursuant to FRCP 24 (b) and Motion to Disqualify Court Pursuant to 28 USC Sec. 144 & 455.</i> Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of Fagan and Geier in Support of Motion# <u>2</u> Supplement Fagan and Geier Affidavit Signature Page# <u>3</u> Exhibit 1 to Fagan and Geier Affidavit - Documents to Supplement Record# <u>4</u> Exhibit 2 to Fagan and Geier Affidavit - Instances of Errors & Abuse of Discretion, as well as Instances of Alleged Bias,

		Prejudice and Ex Parte Contacts requiring Recusal)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) (Entered: 07/04/2007)
07/05/2007	<u>50</u>	DECLARATION of Ed Fagan and Dr. Bernd Geier in Support re: (49 in 1:07-cv-00935-SAS) MOTION for Extension of Time.. Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Supplement Fagan and Geier Signature Page# <u>2</u> Exhibit 1 English Translation Excerpts of July 2007 German Prosecutors Report# <u>3</u> Exhibit 2 - July 2007 Transmittal of German Prosecutor's Report to Dr. Hasslacher# <u>4</u> Exhibit 3 - German Prosecutor's Report July 2007# <u>5</u> Exhibit 4 - German Prosecutor's Report News Articles)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) (Entered: 07/05/2007)
07/09/2007		CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated June 19, 2007, all five actions within this MDL brought solely on behalf of foreign plaintiffs on the grounds of forum non conveniens are dismissed; accordingly, these cases, [Nos. 03 civ. 8960; 03 Civ. 8961; 06 Civ. 2811; 07 Civ. 0935; and 07 Civ.3881], are closed (Orig. filed in case no. 01 MDL 1428 (SAS) as doc. # 307. (Signed by J. Michael McMahon, clerk on 7/9/07) (ml) (Entered: 07/09/2007)
07/31/2007	52	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Edward D. Fagan dated 6/26/07 re: Request for a brief extension of time until 7/31/07 within which to file additional documents, including Declarations, Affidavits and Memorandum of Law, in support of Plaintiffs Motion for Reconsideration of the 6/19/07 Decision & Order. ENDORSEMENT: Plaintiffs' request is granted. Plaintiffs shall file their motion for reconsideration by the close of business on 7/31/07. Defendants shall file their opposition by August 21; Plaintiffs reply, if any, shall be due 9/3/07., No further adjournments for any reason. Set Deadlines/Hearing as to (313 in 1:01-md-01428-SAS-THK, 51 in 1:07-cv-00935-SAS) MOTION for Reconsideration re; Clerk's Judgment, <i>and for Other Relief.</i> : Responses due by 8/21/2007 Replies due by 9/3/2007. (Signed by Judge Shira A. Scheindlin on 7/26/07) Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS. This document also relates to 03-8960, 03-8961, 06-2811.(rjm). (Entered: 08/01/2007)
07/31/2007		MEMORANDUM OF LAW in Support of motion for (1)Reconsideration and other relief pursuant to Local Rule 6.3 & F.R.C.P. 60(b), (ii)granting prior motions against Omniglow Corp/Cyalume Technologies for preclusion; (iii) granting Plaintiffs permission to intervene in existing cases against Omniglow orp. & BoschRexroth Corp. (iv) convening a final pre-trial conference related to claims Omniglow/Cyalume Technology and Bosch Rexroth Corp. And scheduling cases for immediate Trials; (v) permitting plaintiffs to amend complaints to state new causes of action in accordance with Ross v. Louise Wise Serv/. Inc. (Orig. docketed in 03cv8960 as document #169. Document filed by D.H., Johann Blaimauer, Ingeborg Blaimauer, Dieter Christoph, Sophie Christoph, Johann Bruckmair, Christine Bruckmair, Brigitte Decker, Jutta

		Decker, Margot Aigner, Michael Aigner, John Challis, Mike Challis, Roy Challis, Karin Aporta, Georg Aporta, Claudia Arends Batthyany, Max Arends, Lena Arends, Peter Arends, Johannes Arends, Elizabeth Z. Armin. (pl) (Entered: 08/14/2007)
08/01/2007	<u>51</u>	MOTION for Reconsideration re; Clerk's Judgment, <i>and for Other Relief</i> . Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit Edward Fagan# <u>2</u> Appendix Fagan Signature Page# <u>3</u> Affidavit Dr. Bernd Geier# <u>4</u> Affidavit Dr. Ivo Greiter# <u>5</u> Affidavit Dr. Herwig Hasslacher# <u>6</u> Affidavit Dr. Gerhard Podovsovnik# <u>7</u> Affidavit Nanae & Masatoshi Mitsumoto# <u>8</u> Appendix Mitsumoto Signature Pages# <u>9</u> Affidavit Dr. Carl Abraham# <u>10</u> Affidavit Ken Torres# <u>11</u> Exhibit Potential Witness List# <u>12</u> Exhibit Potential Evidence List)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) (Entered: 08/01/2007)
08/13/2007	53	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Paul Rooney dated 8/3/07 re: counsel for dfts request that the Court remedy plaintiffs' violation of the rules by (a) striking the unauthorized filings or allowing dfts to move to strike them and (b) forbidding further filings of affidavits, declaration or documents. ENDORSEMENT: Dfts' requests are granted in part and denied in part. Dfts' request that the court issue an order either striking plaintiffs' supplemental affidavits and declarations filed with their motion for reconsideration, or grant dfts leave to file a formal motion to strike is denied. However, plaintiffs may not file any additional affidavits or declarations in support of their motion. Dfts' request for an extension of time to respond to plaintiffs' motion for reconsideration is granted. Dfts have until 9/15/07 to respond. No further extensions will be granted. (Signed by Judge Shira A. Scheindlin on 8/8/07) (dle) (Entered: 08/17/2007)

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